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09/183,717 10/30/98 DESCH

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EXAMINER

WM02/0827

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ART UNIT

PAPER NUMBER

2611

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08/27/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/183,717

Applicant(s)  
DESCH

Examiner  
Christopher Grant

Art Unit  
2611



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on Jun 5, 2001

2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-52 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-52 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some\* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 13

20) ☐ Other:

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 49-52 are rejected under 35 U.S.C. 102(e) as being anticipated by Schein et al. (Schein).

Considering claim 49, Schein discloses a method for selecting sources of specified programs comprising:

- a) a user specifying a program (col. 2, lines 44-46 and col. 5, lines 39-45);
- b) displaying a first plurality of sources...(figure 3, col. 6, lines 8-16 and/or step 404, figure 4);
- c) the user selecting a source.....(col. 6, lines 39-52 and/or step 406, figure 4); and
- d) providing the specified program from the selected source (col. 6, lines 39-52 and/or step 406 figure 4).

Claim 50 is met by the recording and displaying as disclosed in col. 6, lines 39-52 and step 406 of figure 4.

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Claim 51 is met the various input sources disclosed throughout the entire reference including but not limited to col. 2, lines 25-44.

Claim 52 is met by VCR (13) for recording a first, second or any number of shows disclosed throughout the reference including but not limited to column 6, lines 39-52. For example, the user selecting a second show (such as Casablanca from figure 2) and repeating the steps (a-d) as described above in the rejection of claim 49.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pauley and Schein et al. (Schein).

Considering claims 1 and 6, Pauley discloses an apparatus and corresponding method for selecting the sources of at least two shows capable of being received and displayed by an entertainment system comprising: selecting for viewing, a first show associated with a first channel; displaying the first show; selecting for viewing, a second show associated with a second channel; and displaying the second show.

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However, Pauley fails to specifically disclose receiving first and second user-specified show selections, displaying first and second plural sources for the first and second show selections, receiving first and second source selections and displaying first and second show selections respectively as recited in the claims.

Schein discloses a multi-source information television system for easily selecting channels from a combined program schedule comprising the steps of:

- a) receiving a first user show selection (col. 2, lines 44-46, col. 5, lines 39-45);
- b) displaying a first plurality of sources for the first show selection (figure 3, col. 6, lines 8-16 and/or step 404, figure 4);
- c) receiving a first source selection (col. 6, lines 39-52 and/or step 406, figure 4);
- d) displaying first show selection (col. 6, lines 39-52 and/or step 406 figure 4) and
- e) receiving a second user show selection (e.g. a second show such as Casablanca from figure 2 and the procedure is the same as step a);
- f) displaying a second plurality of sources for the first show selection (figure 3, col. 6, lines 8-16 and/or step 404, figure 4);
- g) receiving a second source selection (col. 6, lines 39-52 and/or step 406, figure 4);
- h) displaying a second show selection (col. 6, lines 39-52 and/or step 406, figure 4).

Schein's display system allows the user to select one or more shows from multiple occurrences of the same shows from various input sources (e.g. DBS, Cable, regular broadcast etc.). The advantage is that the user can select a desired source at a desired time for a particular show.

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It would have been obvious to one of ordinary skill in the art to modify Pauley's system to include receiving first and second user-specified show selections, displaying first and second plural sources for the first and second show selections, receiving first and second source selections and displaying first and second show selections respectively, as taught by Schein, for the advantage of enabling easy selection of desired shows at desired times from a combined list of multiple input sources.

Claims 2-3 and 10 are met by the combined systems of Pauley and Schein, wherein Pauley discloses the various input sources in col. 5, lines 16-18 and Schein discloses the various input sources throughout the entire reference including but not limited to col. 2, lines 25-43.

Claims 4 and 12 are met by the combined systems of Pauley and Schein, wherein Schein discloses loading programming data associated with the selected first and/or second channels (see programming data in coordinator 14 in columns 3-4).

Claims 5 and 13 are met by the combined systems of Pauley and Schein, wherein Schein discloses that coordinator (13) includes CPU (26) and memory that serve as the devices for operating the system in col. 3, line 59 - col. 4, line 63.

Considering claims 7-9, the combined systems of Pauley and Schein disclose an apparatus for receiving programming from plural sources such as from a satellite system, local broadcast or

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cable companies. However, they fail to specifically disclose first and second coding techniques and that the first and second coding techniques are amplitude modulation, frequency modulation and phase modulation as recited in the claims.

The examiner takes Official Notice that it is notoriously well known in the art to implement amplitude modulation, frequency modulation and phase modulation for transmitting programs from a central station to terminals at user locations.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the combined systems of Pauley and Schein to include amplitude modulation, frequency modulation and phase modulation because these are well known transmission techniques used for broadcasting programs to viewers/subscribers.

Claim 11 is met by the combined systems of Pauley and Schein, wherein Pauley discloses various input sources in col. 5, lines 16-18 and Schein discloses various input sources in col. 2, lines 25-43.

Claims 14 and 15 are met by the combined systems of Pauley and Schein, wherein Schein discloses a VCR (13) for recording a first, second or any number of shows throughout the reference including but not limited to column 6, lines 39-52.

As for claims 16-17 and 26-27, Pauley discloses an entertainment system comprising:

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- a) a display monitor (12);
- b) a broadcast receiver coupled to the display monitor including:
  - (b1) a first front end unit (26) capable of receiving a first show;
  - (b2) a second front end unit (28) capable of receiving a second show;
  - (b3) a plurality of memory elements (col. 4, lines 7-39);
  - (b4) a central processing unit (50) coupled to the plurality of memory elements, wherein the central processing unit (50) selects one of the plurality of shows into the plurality of memory elements and to display the plurality of shows continuously in a picture in picture format (columns 5-7).

However, Pauley fails to disclose receiving programming data associated with first and second show selections provided by first and second source selections from first and second plurality of sources displayed (respectively) as recited in the claims.

Schein discloses a multi-source information television system for receiving programming data associated with first and second show selections provided by first and second source selections from first and second plurality of sources displayed. Schein's display system allows the user to select one or more shows from multiple occurrences of the same shows from various input sources (e.g. DBS, Cable, regular broadcast etc.). The advantage is that the user can select a desired source at a desired time for a particular show.

It would have been obvious to one of ordinary skill in the art to modify Pauley's system to include receiving programming data associated with first and second show selections provided by

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first and second source selections from first and second plurality of sources displayed (respectively), as taught by Schein, for the advantage of enabling easy selection of desired shows at desired times from a combined list of multiple input sources.

Claims 18 and 28 are met by the combined systems of Pauley and Schein, wherein Schein discloses an integrated receiver decoder (IRD) in column 3.

Claims 19-20 and 29-30 are met by the combined systems of Pauley and Schein, wherein Schein discloses that coordinator (13) includes CPU (26) and memory that serve as the devices for operating the system in col. 3, line 59 - col. 4, line 63.

Considering claims 21-23 and 31-33, the combined systems of Pauley and Schein disclose an apparatus for receiving programming from plural sources such as from a satellite system, local broadcast or cable companies. However, they fail to specifically disclose first and second coding techniques and that the first and second coding techniques are amplitude modulation, frequency modulation and phase modulation as recited in the claims.

The examiner takes Official Notice that it is notoriously well known in the art to implement amplitude modulation, frequency modulation and phase modulation for transmitting programs from a central station to terminals at user locations.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the combined systems of Pauley and Schein to include amplitude modulation, frequency modulation

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and phase modulation because these are well known transmission techniques used for broadcasting programs to viewers/subscribers.

Claims 24-25 and 34-35 are met by the combined systems of Pauley and Schein, wherein Pauley discloses the various input sources in col. 5, lines 16-18 and Schein discloses the various input sources throughout the entire reference including but not limited to col. 2, lines 25-43.

Claims 36-39, 41-48 are met by the combined systems of Pauley and Schein, wherein Schein discloses a monitor to display the first, second or any number of shows and a VCR (13) to concurrently record the first, second or any number of shows.

Claim 40 is met by the combined systems of Pauley and Schein, wherein Schein discloses that the broadcast receiver is the combination of one or more of cable TV box, DBS box and coordinator receiver. A cable TV or DBS box inherently contains a decryption engine for decrypting premium programs provided by content providers.

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-40 have been considered but are moot in view of the new ground(s) of rejection.

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6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wugofski discloses a database containing a show being provided by plural sources.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Grant whose telephone number is (703) 305-4755. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00 pm.

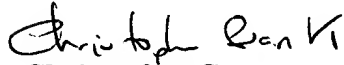
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305 4700.



**Christopher Grant**

**Primary Examiner**

**August 23, 2001**